

REMARKS/ARGUMENTS

At the outset, applicant wishes to thank the Examiner for the courtesies extended to its attorney in a telephone interview on June 26, 2009. In the course of the interview, the filter arrangement of the Song reference was discussed, as was paragraph [0018] of the specification which discloses that applicant's cover may be porous and, therefore, inherently vented.

The Examiner suggested that applicant amend the claims to focus on the flanges between the mating elements of applicant's invention and to file a new amendment with a request for continued examination. Applicant has herein adopted the Examiner's suggestions.

Claims 1-11 were in the application. In the last office action, claims 1, 2, and 4-11 were rejected under 35 U.S.C. § 103 as obvious over Bommart in view of Song. Claim 3 was rejected under 35 U.S.C. § 103 as obvious over Bommart and Song in view of Hargraves et al. Claim 1, has now been cancelled and replaced with new claim 12. New claims 13 and 14 depend from claim 12.

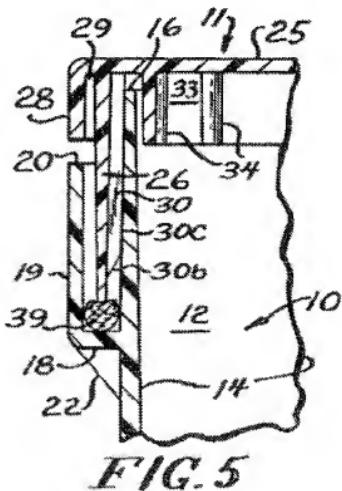
Claim 13 is directed to the cover not being vented and includes further limitations to take into account the possibility of a cover formed from a porous material as mentioned in paragraph [0018] of the specification.

Claim 14 adds a limitation directed to the weight of the cover being sufficient to prevent dislodgement during a thermite reaction.

The Examiner has acknowledged that Bommart does not teach the

use of a filter at the bottom edge of a cover but instead relies on vented openings. Song is cited for teaching the use of a filter at the juncture between a cover and container. Claim 1 has been canceled and claim 12 has been substituted to clearly distinguish from the filter arrangement of Song.

Song is concerned with filtering the air that enters a vessel for growing cultured plant tissue. Song endeavors to keep contaminants from entering the vessel by placing a filter in a baffle arrangement wherein air entering from the side of the container must travel, first downwardly, and then upwardly to enter the chamber in the container where the tissue culture is disposed. Song's filter is fully bounded on both of its sides and its bottom, and partially bounded on its top as shown below.



Unlike song, applicant places a filter between the top of the wall of the crucible and the bottom of the lid that covers the crucible. Applicant's filter has fully exposed inside and outside surfaces and is placed at the top of the chamber where the thermite reaction takes place in the crucible. Accordingly, as gases rise up from the thermite reaction they can pass through the filter without the resistance that a baffle like Song's would present. The flow of gases in applicants invention is described in paragraph [0063] with reference to arrows 42 and 44 of Fig. 1.

In view of the foregoing it is respectfully submitted that new claim 12 is patentable over Bommart in view of Song. Claims 2-11, 13 and 14 depend from claim 12 and are, hence, also believed to be patentable.

New claim 15, the only independent claim in the application other than claim 12, recites a vessel for a thermite reaction which employs a cover like that of claim 12 and is, therefore, also believed to be patentable.

None of the cited prior art references suggests a device wherein a cover rests on a crucible solely via a filter. Accordingly, applicant submits that claim 15 is also patentable.

The selection of Song as a supporting reference is also believed inappropriate in view of the remoteness of its field of use. The Examiner asserts that Song, being drawn to venting container systems, can be considered as reasonably relevant to the particular problem with which the present invention is concerned. Applicant urges that one would not look to Song when seeking to

provide a substitute for a vented cover like that of Bommart, while ensuring the filtration of fumes and capture of projected particles that are produced during an aluminothermic reaction. Aluminothermic welding is a hazardous technique that involves significantly high temperatures and pressures. Song's field of culture of plants cannot be considered as reasonably relevant to that of aluminothermic welding.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

/Howard F. Mandelbaum/
Howard F. Mandelbaum
Registration No. 27,519
Attorney for Applicant

HFM:len